

## Gosselin, Sylvie

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**From:** Bush, Brett  
**Sent:** March 14, 2017 12:44 PM  
**To:** Lutfallah, Jennifer  
**Cc:** Byrne, Patrick; Henderson, Lana; Lefebvre, Nicole; Skilton, Ralph; Barisic, Zrinka  
**Subject:** RE: PRU-1861 FW: TRV Refusal Rate, R42 and A44 data for Mainland Chinese - OPPB-DART-2017-0523

Jennifer,

Sorry for the quick follow up but I just spoke with IRCC. They have informed that the IPM at the Embassy in Beijing met with the PRC Government recently

While that clarifies that the purpose of the data request is to do some internal work at IRCC, the ultimate goal is to represent CBSA activities Please advise if you have any concerns in releasing the data based on this new information.

Thanks  
Brett

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**From:** Bush, Brett  
**Sent:** March 14, 2017 12:35 PM  
**To:** Lutfallah, Jennifer <Jennifer.Lutfallah@cbsa-asfc.gc.ca>  
**Cc:** Byrne, Patrick <Patrick.Byrne@cbsa-asfc.gc.ca>; Henderson, Lana <Lana.Henderson@cbsa-asfc.gc.ca>; Lefebvre, Nicole <Nicole.Lefebvre@cbsa-asfc.gc.ca>; Skilton, Ralph <Ralph.Skilton@cbsa-asfc.gc.ca>; Barisic, Zrinka <Zrinka.Barisic@cbsa-asfc.gc.ca>  
**Subject:** FW: PRU-1861 FW: TRV Refusal Rate, R42 and A44 data for Mainland Chinese - OPPB-DART-2017-0523

Jennifer,

A request came to CBSA from IRCC I do not have any visibility on I reached out to the IRCC person who requested the data in the first place to try and find out more details but had to leave a message. That being said, the request came to the PRU and they have sent it to IEPMD to validate and approve for release.

Brett

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**From:** Barisic, Zrinka  
**Sent:** March 14, 2017 12:24 PM  
**To:** Bush, Brett <[Brett.Bush@cbsa-asfc.gc.ca](mailto:Brett.Bush@cbsa-asfc.gc.ca)>  
**Subject:** FW: PRU-1861 FW: TRV Refusal Rate, R42 and A44 data for Mainland Chinese - OPPB-DART-2017-0523

Brett,

As discussed, not sure what level approval is required to provide many details.

The initial request from IRCC does not

FYI: David Swift is Manager, PRU (works for Andrei) in case you need to discuss with him.

Zrinka

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**From:** CBSA-ASFC\_PRU-URR  
**Sent:** March 14, 2017 11:23 AM  
**To:** Barisic, Zrinka <[Zrinka.Barisic@cbsa-asfc.gc.ca](mailto:Zrinka.Barisic@cbsa-asfc.gc.ca)>  
**Subject:** PRU-1861 FW: TRV Refusal Rate, R42 and A44 data for Mainland Chinese - OPPB-DART-2017-0523

Good morning Zrinka,

For review.

Allie

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**From:** NHQ-OPS-Stats  
**Sent:** March 9, 2017 8:29 AM  
**To:** CBSA-ASFC\_PRU-URR <[pru-urr@cbsa-asfc.gc.ca](mailto:pru-urr@cbsa-asfc.gc.ca)>  
**Cc:** Stevenson, Melinda: CIC / CIC <[melinda.stevenson@cic.gc.ca](mailto:melinda.stevenson@cic.gc.ca)>; NHQ-OPS-Stats <[nhq-ops-stats@nrc.gc.ca](mailto:nhq-ops-stats@nrc.gc.ca)>  
**Subject:** RE: TRV Refusal Rate, R42 and A44 data for Mainland Chinese - OPPB-DART-2017-0523

Good morning PRU,

Could you please assist with the highlighted portion of this request? Time period is J

Many thanks!  
OPS-STATS

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**From:** Stevenson.Melinda  
**Sent:** March 8, 2017 9:54 AM  
**To:** NHQ-OPS-Stats <[nhq-ops-stats@nrc.gc.ca](mailto:nhq-ops-stats@nrc.gc.ca)>; DPU / UPD (IRCC) <[dup-upd@ircc.gc.ca](mailto:dup-upd@ircc.gc.ca)>  
**Subject:** TRV Refusal Rate, R42 and A44 data for Mainland Chinese

Hi there,

I'm not sure what our data on China encompasses, but if it is possible to focus our c  
nly, I  
. If you have any questions, please let me know.

With thanks,

Melinda

Melinda Stevenson  
NHQ - Admissibility | AC - Admissibilité  
Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada  
180 Kent Street Ottawa ON K1A 1L1 | 180 rue Kent Ottawa ON K1A 1L1  
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Facsimile | Télécopieur 613-957-5946  
Government of Canada | Gouvernement du Canada

## Gosselin, Sylvie

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**From:** Bush, Brett  
**Sent:** March 13, 2017 4:13 PM  
**To:** Lutfallah, Jennifer  
**Cc:** Soper, Lesley L; Byrne, Patrick; Henderson, Lana; Lefebvre, Nicole; Skilton, Ralph; Barisic, Zrinka  
**Subject:** OB - How to apply A101(1)(c) ineligibility  
**Attachments:** How to apply A101(1)(c) ineligibility\_2017-03-13.doc  
**Importance:** High

Jennifer,

Further to your request last week, please find attached the revised OB with input from HQ incorporated. We have updated the OB and it is being sent to you for your approval. We have the translation from Friday which we will review and amend as necessary so the OB is ready to go out as early as possible. Once you have approved it, we have two options: the first is to again send it out for consultation but include the Regions; or, simply post the OB. Since we did not consult the Regions in the interest of time last week, I wonder if we have an opportunity this week to consult with the Regions and have posted to Atlas by Friday.

Please advise once you have reviewed whether you approve of the MC and also how you would like us to proceed with the publication of the OB.

Thanks  
Brett



## OPERATIONAL BULLETIN:

### TITLE: How to apply A101(c) ineligibility

<b>Date of Issue:</b> 2017-03-17	<b>Mode(s):</b> All	<b>Target Audience:</b> CBSA Officers administering and enforcing the IRPA	<b>Area of Interest:</b> National
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#### Purpose:

The purpose of this Operational Bulletin (OB) is to clarify the application of 101(1)(c) ineligibility provision under the *Immigration and Refugee Protection Act* (IRPA).

#### Background:

The *Immigration and Refugee Protection Act* (IRPA) provides for a number of grounds to determine a claim for refugee protection ineligible to be referred to the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB).

Specifically, A101(1)(c) states that "a claim is ineligible to be referred to the Refugee Protection Division if a prior claim by the claimant **was determined to be ineligible** to be referred to the Refugee Protection Division, or to have been **withdrawn** or **abandoned**".

*Note:* At any point prior to the referral of a claim to the Refugee Protection Division (RPD), or the determination that the claim is not eligible for referral, the client may indicate to an officer that they no longer wish to pursue the claim.

#### Actions required by CBSA officers:

- When processing refugee claimants, whether this concerns a Port of Entry (POE) claim or an inland claim, officers are required to assess eligibility;
- Ineligibility provisions may vary:

**POE claims:** Officers must first consider whether a claim is ineligible under A101(1)(e), the Safe Third Country Agreement (STCA), prior to considering other ineligibility provisions. IRCC guidelines consider A101(1)(e) first as a determination of ineligibility under this provision causes the removal order to

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come into force the same day as per A49(2)(a), even if the claim is also ineligible on other grounds. If the STCA does not apply, then the other eligibility considerations listed in A101(1) must be considered to determine if a person is eligible to make their refugee claim in Canada. A101(1)(c) is applicable in cases where the individual has previously been determined to be ineligible, even if the circumstances with respect to the previous ineligibility determination have changed.

**Inland claims:** Since the STCA does not apply to inland claims, officers must consider the other grounds of ineligibility. A101(1)(c) is applicable in cases where the individual has previously been determined to be ineligible, even if the circumstances with respect to the previous ineligibility determination have changed.

- Once the claim is determined to be ineligible, officers will consider all applicable IRPA inadmissibility provisions, prepare an inadmissibility report pursuant to A44(1) and refer it to a Minister's Delegate (MD);
- Upon receipt of an A44(1) report, the MD will review the report and if the report is well-founded, issue a removal order if the allegation is within MD jurisdiction or refer the report to the Immigration Division for an admissibility hearing;
- Once a removal order has been issued, officers will determine when the removal order comes into force pursuant to A49(2) of the IRPA;
- If the removal order comes into force the same day (i.e., STCA 101(1)(e) ineligibility cases) and no removal impediments exists, officers shall initiate removal arrangements as soon as possible.
- If the removal order does not come into force immediately or removal impediments exist (e.g., lack of valid travel documents, etc.), officers may either impose sufficient conditions to ensure compliance with removal arrangements or may consider arrest and detention, if grounds for detention exist;
- For additional information on refugee processing and determination of eligibility officers may refer to the following Program Delivery Instructions:  
<http://cicintranet.ci.gc.ca/connexion/tools-outils/refugees-refugies/canada/index-eng.aspx>
- For additional information on eligibility to apply for a PRRA, officers may refer to the following link: <http://cicintranet.ci.gc.ca/connexion/tools-outils/refugees-refugies/prra-erar/intake-reception-eng.aspx>

**Contact Information:**

Hearings and Investigations Unit  
Enforcement and Intelligence Programs Directorate

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## Programs Branch

Any questions regarding this process should be directed to the following e-mail addresses:

### **Inland Enforcement Officers:**

Questions related to IRPA admissibility, refugee ineligibility, writing 44 reports, MD review and issuance of removal orders, as well as arrest and detention provisions, can be directed to:

Questions related to PRRA eligibility and removal processes can be directed to:

**Border Services Officers:** If you have any questions, please forward them through the regional Corporate and Program Services Divisions, which (if required) will then send an email to the Traveller Operations Division's generic inbox:

**Approved by:** Brett Bush, Director  
Enforcement and Intelligence Programs Directorate  
Programs Branch

**Effective Date:** 2017-03-17

**Updated:**

Additional bulletins:

## Gosselin, Sylvie

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**From:** Marier, Ruth  
**Sent:** February 7, 2017 8:26 AM  
**To:** Lutfallah, Jennifer  
**Cc:** Roy-Tremblay, Karine; Lawless, Lynn; Henderson, Lana; Boyd, Colin; Blanchard, NathalieX  
**Subject:** Material and remarks for CIMM - Immigration Consultantns  
**Attachments:** 17 02 08 CIMM\_OR\_v1\_clean.docx; bi CBSA MLQAsx1.docx; e Bkgd Illegal Crossing Migrants.doc; eii Stats on Ref status inland.doc; ci Detentions Placemat\_NOV\_22\_2016 ENG.pub; cii 2015-16 RAG (E).pdf; b 2015-2016 Facts and Figures(1).docx; j Immig Info Sharing Issue sheet final(1).doc

**Expires:** February 7, 2018 12:00 AM

Good morning Jennifer,

Please find attached a clean version of your opening statement, approved by the EVP. I have done a read through at a moderate pace and have timed it at 8.5 minutes – we have 10. If you could indicate by highlighting which paragraphs you would like to deliver in French, I will build you a bilingual presentation once the translation is in.

That said, the meeting may get pushed to next week. The committee is calling IRCC's DM and ADM to explain the timeliness (or lack thereof) on some follow-up responses to a study they appeared on at the end of November but the committee did not receive their responses to the end of January. IRCC is doing their best to confirm with the committee and will get back to us asap.

In the interim, and in the event that we are to go tomorrow after all, I have attached some additional material the President used in his preparation for the Public Accounts hearing yesterday that may be useful to have in your back pocket in case the committee strays. I am also expecting updated Committee biographies from IRCC and will forward once I receive it.

I will get back to you as soon as I can regarding the teleconference scheduled for this afternoon and the hearing itself.

Let me know if I can do anything further.

R

Ruth Marier  
Manager | Gestionnaire  
Parliamentary Affairs | Affaires du parlementaires  
Canada Border Services Agency | Agence des services frontaliers du Canada  
Sir Richard Scott, 191 Laurier Avenue West, 13th Floor  
Ottawa, ON K1A 0L8  
(Ph. | Tél): 613-948-3445  
(Fax | Tél): 613-946-6037



## **Opening Remarks**

Jennifer Lutfallah

Director General, Enforcement and Intelligence Programs  
Programs Branch  
Canada Border Services Agency

To the House of Commons Standing Committee on  
Citizenship and Immigration (CIMM)

Wednesday, February 8, 2017

4:30-5:30 pm

(Check against delivery)

Thank you, Mr. Chair, and good afternoon to all the members of the committee.

As this committee is aware, the administration and enforcement of the *Immigration, Refugee and Protection Act* (IRPA) falls under the responsibility of several government departments and agencies.

While Immigration, Refugees and Citizenship Canada has the primary policy responsibility under IRPA, the CBSA's role is largely enforcement, intelligence and criminal investigation, and participation in new policy development.

Since 2006, the Canada Border Services Agency (CBSA) and the Royal Canadian Mounted Police (RCMP) have worked to develop a complimentary approach in relation to immigration penal offences. The RCMP is responsible for immigration offences dealing with organized crime, human trafficking and national security. The CBSA has lead responsibility for the remaining immigration offences. These include offences related to fraudulent documents, misrepresentation, counselling misrepresentation and the general offence section within the IRPA.

The general offence section applies to individuals who do not comply with various conditions or obligations under the IRPA. Examples include employers who hire foreign nationals without authorization, previously deported persons who return to Canada without authorization, or persons who fail to report to CBSA officers upon entry into Canada.

Enforcement related to misconduct by immigration consultants is complex and may cross the jurisdiction of various enforcement bodies. Depending on the nature of the consultants' activity, various criminal offences and sanctions exist under the IRPA and the *Criminal Code*. These would generally be investigated by the CBSA and/or the RCMP. By contrast, review of activity that is unethical or unprofessional, but that would not constitute an offence, falls under the responsibility of the Immigration Consultants of Canada Regulatory Council (ICCRC).

With respect to IRPA offences most frequently related to consultants, the Act provides for criminal sanctions to be pursued in relation to being an unauthorized consultant accepting consideration (s.91), counselling misrepresentation (s.126), misrepresentation (s.127), and counselling to commit an offence (s.131).

For example, where it can be proven in court that a consultant has counselled a client to provide false information with the objective of increasing the chances of their immigration application being approved, that consultant could be charged with counselling misrepresentation.

The counselling of misrepresentation could be in relation to any immigration application, be it a temporary resident application, permanent resident application, spousal sponsorship or refugee claim. This charge could apply to consultants whether or not they are authorized to act as a representative pursuant to the regulations.

The IRPA offence of being an unauthorized consultant representing an applicant for a fee applies when a consultant not registered with the ICCRC provides advice to clients for a fee. The penalty upon conviction by way of indictment ranges from a fine of not more than \$100,000 or to imprisonment for a term of not more than two years, or to both. On summary conviction, the penalty ranges from a fine of not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

Prior to the passage of Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act*, in March 23, 2011, regulations respecting authorized representatives applied only *after* an immigration application was submitted. This was problematic from an enforcement perspective, as much of the counselling often occurred *prior to* submission of the application. Activities of this nature were not regulated by the IRPA, and unauthorized consultants operating in the pre-application stage, sometimes referred to as “ghost consultants” could not be pursued through the courts.

Now, the legislated rules respecting authorized representatives apply *before and after* an immigration application has been submitted. Unauthorized representatives found to be knowingly, directly or indirectly, representing or providing advice to a person prior to the application stage, during and/or after can be charged under subsection 91(9) as well as persons "offering to" represent or provide such advice.

The legislative amendments brought about by Bill C-35 now limit those providing or offering to provide consulting services, for a fee, in the *pre-application* stage to persons who are lawyers, notaries in Quebec, including paralegals and consultants who are in good standing of a governing body.

These provisions provide an additional tool for the CBSA and its partners to use in pursuing enforcement action against those individuals who would misrepresent themselves.

Obtaining evidence of consultant fraud can be challenging. Often, the applicants are hesitant to report the counselling offences to the CBSA, as they either were party themselves to the misrepresentation, or have been convinced that, even though the representative is not authorized, that individual can assist in ensuring their client receives a positive outcome on their application.

As a result, most alleged offences are brought to the CBSA's attention only after the immigration application has been rejected. Even then, applicants in Canada may not come forward out of fear that they will be removed from Canada.

In addition, contracts between clients and unscrupulous consultants are often made verbally, and payment is given in cash, leaving little documentary evidence for presentation in court.

Some consultants operate outside of Canada, where Canadian law cannot be applied. In such cases, investigators may attempt to identify and investigate any Canadian links to the overseas consultant.

Prior to Bill C-35, in order to lay summary charges, investigators had to become aware of an alleged offence, gather all evidence, and lay charges within six months. In the case of immigration offences, and the complexities required to adequately investigate such cases, six months was an inadequate period for this work.

Bill C-35 increased this statute of limitations to ten years for the offences of counselling misrepresentation and misrepresentation, (sections 126 and 127 of IRPA) and five years for the offence of being an unauthorized immigration consultant (section 91). Investigators now have sufficient time to properly and fully investigate various IRPA offences, refer the file to the Public Prosecution Service of Canada, and lay charges before the time period passes.

A second type of fraud with respect to consultants involves situations where an individual accepts fees for services, and fails to submit any applications to the Government of Canada. Allegations of this nature are investigated under the fraud provisions of the *Criminal Code*, and therefore fall primarily to the responsibility of our colleagues at the RCMP, or in municipal or provincial policing agencies.

Finally, there are cases where the alleged activity of the consultant appears unethical or unprofessional but is not a criminal offence, such as the charging of exorbitant fees or the provision of “poor” advice. Matters of this nature are not the responsibility of the CBSA or the RCMP, but are a matter for the Immigration Consultants of Canada Regulatory Council (ICCRC), which is the designated regulatory body for immigration consultants.

Prior to Bill C-35 amendments, government officials were limited in their ability to share allegations of this nature with the designated body. The Immigration Refugee Protection Regulations were amended and now authorize government officials to share information of this nature with the governing body, and thereby ensure that the governing body has the required information to undertake a review and pursue disciplinary action where appropriate.

Mr. Chair, the CBSA recognizes the seriousness of this issue, its impact on those who seek to come to Canada, and its importance to maintaining the integrity of the immigration program. Together, with its enforcement partners, the Agency continues to investigate cases related to immigration consultants as part of its responsibilities.

This concludes my opening statement and I would be pleased to answer any questions the Committee may have.



## **Canada Border Services Agency Media lines and Questions and Answers**

### **Issue: US Executive Orders**

#### **Key messages:**

- The CBSA continues to facilitate legitimate travel and trade. Canada's national safety and security, as always, will not be compromised.
- There have been no changes to admissibility requirements for those entering Canada.
- All Canadian citizens including dual citizens and Canadian permanent residents can re-enter and remain in Canada.
- All others seeking entry into Canada will be processed, per usual, according to Canadian immigration laws.

## **Questions and Answers:**

### **1. Is there a big impact of people returning/stranded in Canada?**

The CBSA is continuing to monitor the situation at our ports of entry and it is too early to provide exact numbers or a full assessment of the situation. To date, this situation has not caused any unusual border wait times at primary. At this point, we can tell you that there have been some cases of travelers being denied travel to the US including foreign nationals affected by the Executive Order; they were processed by the CBSA according to Canadian laws. In addition, anyone with status in Canada (citizens and PRs) were re-admitted to Canada. Some ports of entry have also received individuals seeking refugee status and they are being processed, per usual.

If they seek re-entry into Canada, they are processed by the CBSA according to Canadian immigration laws. Nothing has changed in that regard.

There have been no changes to the admissibility and processing of travelers or Canadians arriving at the Canadian border. Anyone seeking re-entry into Canada are processed, per usual, by the CBSA. Canadian citizens including dual citizens and Canadian permanent residents are processed for re-entry into Canada. All others who present at the Canadian border are processed per usual.

### **2. Is the CBSA doing anything differently?**

No. We continue to facilitate legitimate travel and trade. Canada's national safety and security, as always, will not be compromised.

We can tell you that our policies, procedures and our role at designated ports of entry remain the same.

The CBSA is well-positioned and experienced in processing high volumes of travelers. We continuously monitor our operations and adjust as required.

All persons seeking entry to Canada must demonstrate they meet the requirements to enter and/or stay in Canada. Admissibility of all travelers is decided on a case-by-case basis and based on the information made available to the border services officer at time of entry.

Canadian citizens including dual citizens, and Canadian permanent residents enter Canada by right.

### **3. What happens if a US permanent resident (PR) is refused re-entry into the US?**

If a US PR is seeking entry from Canada, the individual will be assessed under Canadian laws to determine their admissibility to enter and/or remain in Canada.

#### 4. Is CBSA staffed appropriately to handle the potential volumes?

The CBSA continuously monitors its operations to ensure staffing levels meet its mandate.

#### 5. Are you seeing more refugee claimants because of the situation in the US? What are you doing about it?

The CBSA will not speculate. Drawing conclusions and/or linking one (refugee claim) with the other (executive order) does not provide an accurate picture.

The CBSA will continue to process persons seeking entry to Canada under Canadian laws.

#### 6. What is the CBSA reaction to the executive order? Do you have a comment?

The CBSA will only speak to its role at designated ports of entry. It is not our practice to comment on other governments' policies, statements, etc.

#### 7. What do think will be the impact moving forward?

The CBSA will not speculate, however, we can tell you that we work closely with domestic and international partners to ensure the prosperity and safety of our respective borders.

#### 8. Can you please provide an overview of refugee claims made over the past couple of years?

Below is a snapshot of year over year refugee claims made at land ports of entry, by nationality (as of January 19). The total is as follows:

Refugee Claims broken down by CBSA Regional Land POEs for Calendar Years; 2013, 2014, 2015 & 2016

#### Refugee Claims broken down by CBSA Regional Land POEs for Calendar Years; 2013, 2014, 2015 & 2016

Refugee Claims	2013	2014	2015	2016
Atlantic Reg. CBSA	7	5	2	21
NOR CBSA	53	51	63	95
Pac. Reg. CBSA	112	132	174	220
Prairie Reg. CBSA	61	79	286	295
QC Reg. CBSA	799	879	1,049	2,525
SOR CBSA	1,955	2,601	2,742	3,865
<b>Total</b>	<b>2,987</b>	<b>3,747</b>	<b>4,316</b>	<b>7,021</b>

In terms of those individuals entering Canada in-between POs, here is a snapshot of year over year in the Quebec Region, where there has been the biggest increase:

**Number of refugee claims made by individuals caught crossing the border illegally in the Quebec region by the RCMP or other local law enforcement agencies.**

	<b>Fiscal Year 2015-2016</b>	<b>Fiscal Year 2016-2017</b>
April	33	40
May	12	50
June	21	48
July	20	87
August	44	73
September	43	136
October	43	219
November	50	279
December	23	305
January	39	43**
February	42	
Mars	54	
<b>Total</b>	<b>424</b>	<b>1280 (**April 1<sup>st</sup> – January 8)</b>

The "People" listed did not present themselves to the CBSA upon entry into Canada and have been intercepted by the RCMP or other local law enforcement agencies or have presented themselves at a CBSA office inside the country.

**9. What is the implication for border wait times given proposed new requirements for biometric collection at POEs?**

Canada does not systematically capture biometrics at the border. There are biometric devices in secondary at our top 8 airports for verification as well as Livescan devices at numerous air and land POEs (used for admissibility, refugee and law enforcement processing).

**10. What are the implications should the EO apply to refugees (incl. Syrian refugees) who are in Canada but not yet citizens (TR, PRs)?**

This is not for the CBSA to address. Please refer your question to the US.

**11. Are there aspects of the Entry/Exit legislation that may impacted by the EO?**

Bill C22, Entry/Exit legislation, specifically defines exit information (exit from Canada and entry to the US and exit from the US and entry to Canada) as strictly biographic in nature. The legislation does not include a biometric Entry/Exit program.

Further, the final phase of Entry/Exit requires passage of the legislation before it may be implemented fully.

**12(A). Will Canadian dual-citizens from one of the seven countries be allowed to enter the US?**

Canadian dual-citizens travelling on their Canadian passport will be allowed to travel to/enter the US.

**12(B). How about Canadian permanent residents?**

The Government of Canada was informed by the White House that Canadian permanent residents travelling with a valid Canadian permanent resident card and passport from one of the seven affected countries will continue to have access to the United States, and will need to continue meeting the U.S requirement to hold a valid U.S. visa.

The Canadian government continues to work with the US government during the ongoing implementation of this Executive Order.

ILLEGAL CROSSINGS OF MIGRANTS BETWEEN BORDERS
ISSUE : Intake of refugee claims from persons who enter Canada in between borders
<p>PROPOSED RESPONSE:</p> <ul style="list-style-type: none"><li>• Individuals who enter into Canada in between borders may be intercepted by the Royal Canadian Mounted Police (RCMP) or local law enforcement agencies.</li><li>• Once intercepted, these individuals are brought to the nearest Canada Border Services Agency (CBSA) office where an officer will conduct an examination to assess admissibility and eligibility to enter Canada. Officers at this time will also collect biographic and biometric information, if required.</li><li>• If a refugee claim is initiated and deemed eligible, it will be referred to the Immigration and Refugee Board (IRB) for a hearing. Those whose claim is deemed not eligible will be issued an enforceable removal order and, in exceptional circumstances, some may be arrested and detained.</li><li>• Individuals illegally cross into Canada for various reasons: some may be engaged in smuggling activities such as narcotics, weapons, and persons. Others may be trying to avoid immigration entry requirements (e.g. criminally inadmissible individuals) or circumventing the Safe Third Country Agreement.</li><li>• The Canada Border Services Agency (CBSA) is unable to provide accurate statistics on the number of individuals who enter between borders due to system limitations.</li></ul>

ILLEGAL CROSSINGS OF MIGRANTS BETWEEN BORDERS			
<p><b>BACKGROUND:</b></p> <p>The Canada Border Services Agency (CBSA) is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods that meet all requirements under the program legislation.</p> <p>The Immigration and Refugee Protection Act (IRPA) requires that every person seeking to enter Canada must appear for an examination at a port of entry to determine whether that person has a right to enter Canada or may become authorized to enter and remain in Canada.</p> <p>The CBSA and the Royal Canadian Mounted Police (RCMP) play an instrumental role in protecting Canada's border and keeping Canadians safe. CBSA and its domestic and international partners work together to intercept individuals who enter Canada illegally. The RCMP is responsible for border security in between ports of entry, while the CBSA is responsible for border security at ports of entry and inland.</p> <p>Foreign nationals who are intercepted by the RCMP or a local police agency are brought to the nearest inland enforcement office where an officer will conduct an immigration examination and, if required, a refugee claim will be initiated. Foreign nationals who are not intercepted by law enforcement often make their own way to the nearest Immigration, Refugees and Citizenship Canada (IRCC) office and make a claim for refugee protection.</p> <p>If the claim is determined eligible, it will be referred to the Immigration and Refugee Board (IRB) for a hearing and, generally, the foreign national will be released on conditions. For those individuals whose claim is found not to be eligible, they will be issued a removal order and released on conditions to report for future removal proceeding. The CBSA officer may arrest and detain individuals in certain limited circumstances: if the foreign national poses a danger to the public; if the person is a flight risk; or we are unable to verify the identity of the individual.</p> <p>One of the primary motivations for foreign nationals to enter Canada illegally is to avoid being excluded from making a refugee claim under the Safe Third Country Agreement (STCA). The STCA, signed between Canada and the United States (US), requires that refugee claimants seek protection in the first safe country in which they arrive. There are four types of exceptions to the STCA: refugee claimants who have a family member in Canada; unaccompanied minors under the age of 18; individuals holding a valid Canadian or US visa; as well as those who have been charged with or convicted of an offence that could subject them to the death penalty in the US or in a third country.</p> <p>Not all individuals who enter Canada illegally are foreign nationals seeking refugee protection. This category also includes Canadian Citizens and Permanent Residents who have their own motivations for not reporting at the port of entry (e.g. involvement in smuggling activities) as well as foreign nationals who were previously deported from Canada or who are otherwise inadmissible (e.g. foreign criminals).</p> <p>Due to system limitations, the CBSA is unable to provide accurate statistics on the number of individuals who enter between borders.</p>			
<p><b>CONTACTS:</b></p> <p>Prepared by Jennifer Lutfallah Enforcement and Intelligence Programs Directorate</p>	<p>Tel. no. 613-948-9041</p>	<p>Approved by Martin Bolduc Vice-president Programs Branch</p>	<p>Tel. no. 613-948-4445</p>

## STATISTICS ON INDIVIDUALS CLAIMING REFUGEE STATUS AT OR BETWEEN PORTS OF ENTRY (POEs)

\*Please note that statistics have been provided by Communications. Communications has advised, however, that the statistics provided for those individuals who have entered the country between ports of entry are compiled by Quebec, Prairie, and to some extent Pacific Region. Responsibility for enforcement between POEs is under the mandate of the RCMP.

### 1. Persons who made a claim at the first point of entry (land ports of entry)

#### Refugee Claims broken down by CBSA Regional Land POEs for Calendar Year 2016

Refugee Claims	CY 2016
Atlantic Reg. CBSA	21
NOR CBSA	95
Pac. Reg. CBSA	220
Prairie Reg. CBSA	295
QC Reg. CBSA	2,525
SOR CBSA	3,865
<b>CBSA</b>	<b>7,021</b>

Date: January 19, 2017

### 2. Persons attempting to enter illegally in between POEs. The individuals listed did not present themselves to the CBSA upon entering Canada, have been intercepted by the RCMP or other local law enforcement agencies and have presented themselves at a CBSA office inside the country.

#### a) Pacific Region

#### Pacific Region - Calendar Year 2016

Month	People*
January	41
February	70
March	43
April	18
May	63
June	34
July	49
August	64
September	61
October	57
November	68
December	84
<b>Total</b>	<b>652</b>



**b) Quebec Region**

	<b>Fiscal Year 2015-2016</b>	<b>Fiscal Year 2016-2017</b>
April	33	40
May	12	50
June	21	48
July	20	87
August	44	73
September	43	136
October	43	219
November	50	279
December	23	305
January	39	43**
February	42	
Mars	54	
<b>Total</b>	<b>424</b>	<b>1280 (**April 1<sup>st</sup> – January 8)</b>

**c) Prairie Region (near Emerson)**

<b>Refugee claimants illegally crossing the international border near Emerson</b>				
<b>Months of Claim</b>	<b>FY2013-14</b>	<b>FY2014-15</b>	<b>FY2015-16</b>	<b>FY2016-17</b>
April	1	0	13	40
May	0	0	15	48
June	1	0	18	38
July	2	4	23	42
August	6	21	44	47
September	16	22	28	51
October	7	17	39	66
November	4	22	41	66
December	9	20	34	32
January	14	11	18	0
February	3	2	14	0
March	5	17	53	0
<b>TOTAL</b>	<b>68</b>	<b>136</b>	<b>340</b>	<b>430</b>

**Note:** these statistics are current as of December 31, 2016.



# Detentions Placemat

Fiscal Year	Number of detainees*	Number Released/ Removed	Average detention	Detained in a CBSA facility (IHC)	Regional Breakdown of Total Detentions				
					Atlantic	Prairie	Pacific	Quebec	Ontario
2015-2016	6,596	2,745/ 2,917	23.1 days	66%	29	330	1,481	1,245	3,660
2014 - 2015	6,768	5,691/ 3,325	24.5 days	66%	28	467	1,279	1,156	3,962
2013 - 2014	7,722	6,469 /3,980	23 days	69%	29	460	1,406	1,288	4,675
2012 - 2013	8,739	7,361/ 4,458	20 days	70%	35	440	1,667	1,271	5,519
2011 - 2012	9,043	7,540 / 4,426	19 days	71%	50	395	1,893	1,364	5,529

**Note:** Due to facility transfers or multiple arrest and release processes for the same detainee, the regional breakdown totals will be greater than number of detainees totals.

2015-2016 overview

6,596 detainees for an average of 23.1days

4,353 (66%) detained in IHC Facilities

181 detainees were accompanied minors

20 detainees were unaccompanied minors

\$351 per day per detainee average cost

Detention Reviews
<b>Detention of Regular Arrivals:</b> <ul style="list-style-type: none"><li>The CBSA's decision to detain a person can be reviewed by the CBSA up to 48 hours after the person was detained.</li><li>After 48 hours, detention is reviewed by the Immigration and Refugee Board (IRB) . The IRB reviews detention again 7 days later and 30 days thereafter.</li></ul> <b>Detention of Designated Foreign Nationals:</b> <ul style="list-style-type: none"><li>Detention is mandatory, with a review to occur within 14 days and every 6 months thereafter until a final positive decision is made by the IRB on the refugee claim, or until release is ordered by the IRB or the Minister of Public Safety.</li><li>Excluded from mandatory detention are designated foreign nationals under the age of 16.</li></ul>

\*includes detainees remaining in detention past end of fiscal year.

Reasons for Detention
Officers have discretionary authority to detain foreign nationals and permanent residents when there are reasonable grounds to believe the person is inadmissible and: <ul style="list-style-type: none"><li>a danger to the public</li><li>unlikely to appear (flight risk) for immigration processes</li><li>unable to satisfy the officer of their identity (foreign nationals only)</li></ul> Detention can also occur when: <ul style="list-style-type: none"><li>A CBSA officer has reasonable grounds to suspect, at a port of entry, that the person is inadmissible for security reasons, violating human or international rights, serious criminality, criminality or organized criminality</li><li>It is necessary to complete the immigration examination</li><li>A foreign national is designated as an irregular arrival by the Minister of Public Safety.</li></ul>

Detention Facilities
The CBSA operates 3 immigration holding centres (IHCs) for low-risk detainees or detainees where risk can be mitigated: <ul style="list-style-type: none"><li>Vancouver IHC – 24 beds (short stays less than 48 hours)</li><li>Toronto IHC – 195 beds</li><li>Montréal IHC – 144 beds</li></ul> For IHCs, the CBSA maintains national detention standards that conform with international protocols. National detention standards include: <ul style="list-style-type: none"><li>access to essential medical services</li><li>a daily minimum of one hour open air exercise</li><li>free local telephone calls</li><li>access to a qualified religious representative upon request</li><li>special meals provided for medical, dental or religious reasons</li></ul>

Minors				
<ul style="list-style-type: none"><li>Minors are only detained as a last resort and the best interests of the child are considered.</li><li>Minors are generally referred to child welfare agencies or held in CBSA immigration holding centres.</li><li>Minors have access to education while in detention (after 7 days)</li></ul> <b>Note:</b> Accompanied minors may be housed with a detained parent if it is determined to be in the child's best interest..				
Fiscal Year	Accompanied	Unaccompanied	Total detained	Average detention days
2015-2016	181	20	201	14.1 days
2014- 2015	135	21	156	10.5 days
2013 - 2014	161	17	178	10.8 days
2012 - 2013	259	24	282	9.1 days
2011- 2012	265	26	291	6.6 days

Alternatives to Detention
Detention is a last resort. Alternatives are always considered. A person may be released on: <ul style="list-style-type: none"><li>conditions</li><li>a deposit of money (cash bond) or a guarantee</li><li>third-party risk management (e.g. Toronto Bail Program)</li><li>global positioning system (GPS) bracelet</li></ul>

# Removals at a Glance - 2015-2016

Beginning of Fiscal Year — April 1, 2015 Citizenships in Removal Inventory broken down by Sub-Inventories (TOP 5)					
Citizenship	Wanted Inventory	Working Inventory	Stay Inventory	Monitoring Inventory	Total
China	4,504 (100) (4,217)	2,089 (78) (1,917)	407 (88) (323)	3,733(41) (3,540)	10,733 (307) (9,997)
Mexico	3,848 (113) (3,557)	859 (32) (803)	207 (43) (180)	1,494 (53) (1,442)	6,408 (241) (5,982)
India	3,226 (76) (3,072)	1,219 (101) (1,046)	320 (114) (210)	1,408 (64) (1,243)	6,173 (355) (5,571)
Pakistan	2,726 (77) (2,654)	632 (35) (591)	238 (78) (208)	2,506 (50) (2,438)	6,102 (240) (5,891)
Haiti	188 (30) (171)	201 (29) (188)	2,821 (73) (2,741)	1,598 (105) (1,490)	4,808 (237) (4,590)
Other Countries	20,449 (1,489) (18,112)	11,596 (1,338) (9,450)	8,676 (2,987) (6,445)	40,888 (1,826) (37,865)	81,609 (7,640) (71,872)
Total	34,941 (1,885) (31,783)	16,596 (1,613) (13,995)	12,669 (3,383) (10,107)	51,627 (2,139) (48,018)	115,833 (9,020) (103,903)

Black highlights totals

Red highlights those reported for criminality

Blue highlights those who sought asylum

Enforced Removals					
Year	Total	Criminals	Failed Refugee Claimants	Escorted	Voluntary Departure
2015-16	8,432	1,373 (16%)	4,476 (53%)	837 (10%)	1,050 (12%)
2014-15	11,876	1,812 (15%)	7,318 (62%)	1,138 (10%)	1,437 (12%)
2013-14	14,041	2,011 (14%)	9,428 (67%)	1,082 (8%)	2,044 (15%)
2012-13	19,161	2,029 (11%)	14,489 (76%)	1,086 (6%)	2,450 (13%)
2011-12	16,692	1,890 (11%)	11,962 (72%)	1,176 (7%)	2,971 (18%)

Criminal removals refer to individuals who were reported for criminality but not necessarily removed for this inadmissibility

Removal Destinations (Top 5)		
Year	Destination	Total
2015-16	United States	1,771
	China	485
	Hungary	452
	Mexico	451
	India	271
2014-15	United States	2,200
	Hungary	1,062
	Mexico	770
	China	494
	Croatia	398

Removal Citizenships (Top 5)		
Year	Citizenship	Total
2015-16	United States	838
	China	575
	Hungary	458
	Mexico	456
	India	329
2014-15	United States	1,129
	Hungary	1,077
	Mexico	776
	China	587
	Colombia	425

Temporary Suspension of Removals (TSR)	
Country	Year Imposed
Afghanistan	1994
DRC	1997
Iraq	2003

Removal Priorities
<b>1. Safety or Security grounds</b> (Security; Organized Crime; Human Rights Violations; Criminality) <b>2. Failed Refugee Claimants</b> <b>3. All other inadmissible persons</b> , including those who overstay their allotted time in Canada; work or study without permission; misrepresent themselves; marriages of convenience; fraudulent documents; and those with insufficient funds to support themselves while in Canada.

Removal Sub-Inventory Definitions
<b>Working Inventory</b> contains cases that are being processed for removal including those who have access to pre-removal risk assessments. <b>Stay Inventory</b> includes cases where litigation is in process, pre-removal risk assessments are pending, temporary suspension of removals are imposed, or foreign nationals are serving a term of imprisonment. <b>Monitoring Inventory</b> includes cases that are pending refugee determination or pending permanent resident status. <b>Wanted Inventory</b> includes cases under review to determine if a warrant is required or cases where a warrant has been issued for the arrest, detention, and removal of foreign nationals.

Removals broken down by Inadmissibility					
Removal Cause	2015-16	2014-15	2013-14	2012-13	2011-12
Security (s 34)	8	9	9	7	7
Human Rights (s 35)	2	8	5	8	8
Criminality (s 36)	906	1,132	1,164	1,203	1,146
Organized Crime (s 37)	44	44	42	49	35
Health (s 38)	13	19	16	12	12
Financial (s 39)	25	18	13	13	17
Misrepresentation (s 40)	137	115	101	127	116
Cessation (s 40.1)	24	22	5	1	-
Non Compliance (s 41)	7,246	10,425	12,579	17,656	15,212
Inadmissible Family (s 42)	27	84	107	85	139

Average Cost of Removal
Costs can vary greatly. For example, a land removal to the US costs less than \$100; whereas, a high profile overseas removal may involve chartering a private plane, supplying medical personnel and escort officers that could cost up to \$500K.
At present, the estimated average cost for an unescorted removal is approximately \$1,500, while an escorted removal (two escort officers) is approximately \$15,000.

End of Fiscal Year — March 31, 2016 Citizenships in Removal Inventory broken down by Sub-Inventories (TOP 5)					
Citizenship	Wanted Inventory	Working Inventory	Stay Inventory	Monitoring Inventory	Total
China	4,695 (110) (4,396)	2,033 (83) (1,852)	231 (70) (159)	3,735(46) (3,538)	10,694 (309) (9,945)
India	3,318 (81) (3,149)	1,031 (96) (829)	359 (107) (253)	1,454 (67) (1,290)	6,162 (351) (5,521)
Pakistan	2,724 (82) (2,645)	554 (35) (502)	288 (70) (263)	2,579 (52) (2,511)	6,145 (239) (5,921)
Mexico	3,660 (109) (3,377)	569 (32) (522)	207 (41) (180)	979 (49) (931)	5,415 (231) (5,010)
Hungary	991 (56) (974)	268 (14) (240)	227 (23) (222)	2,713 (69) (2,677)	4,199 (162) (4,113)
Other Countries	19,941 (1,523) (17,561)	9,557 (1,344) (7,293)	9,234 (2,853) (7,011)	44,562 (1,884) (41,461)	83,294 (7,604) (73,326)
Total	35,329 (1,961) (32,102)	14,012 (1,604) (11,238)	10,546 (3,164) (8,088)	56,022 (2,167) (52,408)	115,909 (8,896) (103,836)

Black highlights totals

Red highlights those reported for criminality

Blue highlights those who sought asylum

## Key Operational Business Trends and Facts and Figures

### 2015-2016 Agency Administration\*

<i>Program Activity</i>	<i>Planned Spending (\$)</i>	<i>Human Resources (full-time equivalents)</i>
Risk Assessment	\$171,596,479	1,051
Secure and Trusted Partnerships	\$41,903,422	370
Admissibility Determination	\$1,005,063,014	7,655
Criminal Investigations	\$26,600,469	305
Immigration Enforcement	\$159,242,116	1,173
Recourse	\$11,277,889	113
Revenue & Trade Management	\$98,440,479	911
Internal Services	\$358,551,233	2,129
<b>TOTAL</b>	<b>\$1,872,675,101</b>	<b>13,707</b>

\* Source: Canada Border Services Agency Report on Plans & Priorities, 2015-16

### 2015-2016 Operating Environment

The Canada Border Services Agency (CBSA) administers over 90 acts and regulations and provides services at 1,280 locations across Canada and abroad ranging from large scale operations (i.e. Ambassador Bridge) to small, remote, unstaffed marinas. These locations breakdown as follows:

- 224 Airports;
- 3 Mail Processing Centres;
- 10 Cruise Ship Operations;
- 12 Ferry Terminals;
- 117 Land Borders
- 27 Rail Offices;
- 71 Suffrance Warehouses;
- 46 International Offices;
- 216 Commercial Vessel Clearance Facilities;
- 437 Marine Reporting Sites
- 54 Inland Offices.

### **A day at the Canadian border**

On an average day, CBSA delivers a wide range of programs and services.

#### People

- **253,052** total travellers; including:
  - **170,490** land, rail and marine travellers;
  - **82,562** air travellers.

#### Goods

- **30,892** highway shipments;
- **11,760** air cargo shipments;
- **1,196** marine containers

## Key Operational Business Trends and Facts and Figures

### 2015-2016 Program Delivery

#### Travellers and Trade

- 92.4 million travellers;
- 27.2 million cars;
- 30.1 million air passengers;
- 4.2 million traveller examinations;
- 
- 
- 187,653 trains and vessels (cargo and passenger);
- 
- 
- \$30.6 billion in revenue collected.

#### Immigration Related Functions

**Removals:** CBSA removed 8,432 failed refugee claimants and other inadmissible individuals from Canada in FY 2015-2016. 16 percent of those removed were foreign national criminals.

**Detentions:** 7,174 detention holds (6,596 detainees) for an average of 23 days. There were 4,665 immigration holds representing 65 percent (4,379 detainees – 66%) in CBSA immigration holding centres. The average cost per day per detainee was \$351\*.

(\*Average cost per day per detainee has yet to be finalized)

- 5,184 males and 1,412 females detained;
- 181 (2.7 percent) of detainees were accompanied minors;
- 20 (0.3 percent) of detainees were unaccompanied minors;

#### Seizures

- 11,163 drug seizures at an estimated value of \$ 329 million;
- \$ 33.2 million in currency seized (1,966 seizures) / Suspected Proceeds of Crime accounted for \$ 2.5 million (100 seizures);
- 830 firearms seized (459 seizures) (firearms seized include restricted, non-restricted and prohibited);
- 8,917 prohibited weapons seized (4,489 seizures);
- 1,610 tobacco seizures made;
- 288 prohibited importations seizures (excluding child pornography, firearms and weapons seized);
- 142 seizures containing 549 items of child pornography.

#### Arming:

- As of March 31, 2016, the CBSA has trained and equipped 6492 officers with defensive tools, including the duty firearm.

#### Our Missing Children Program 2015 (\*data is only available on a calendar year basis)

- 36 missing children recovered.
- Over 1,800 children recovered since the inception of the program in 1986.



Approved by: Martin Bolduc, Vice-President  
Branch: Programs Branch

Date: February 2, 2017  
Classification: Unclassified

## ISSUE SHEET

### Immigration Information Sharing With the United States and OGDs

#### Suggested Speaking Bullets:

- To achieve its mandate, the Canada Border Services Agency frequently shares immigration-related information with US counterpart agencies.
- This information exchange is carefully managed through established processes and agreements that permit both case-by-case and systematic immigration information sharing.
- The exchange of information between the CBSA and its domestic partners is governed by the Privacy Act, and in some exceptions, the Customs Act.
- Information sharing between the CBSA and other Canadian government departments and agencies is carried out in strict accordance with the law.
- Where necessary and warranted, the CBSA develops written collaborative arrangements with partner departments and agencies in order to set guidelines surrounding the collection, disclosure, and retention of information.

#### Context:

##### **Issue:**

The following provides a high-level overview of immigration-related information sharing between the CBSA and United States (US) counterpart agencies, as well as between the Agency and Other Government Departments (OGDs).

##### **Background**

The Agency's most commonly used Immigration Information Sharing Arrangements with the US include:

- 2003 Statement of Mutual Understanding between the Department of Citizenship and Immigration Canada, the Department of Justice and the Department of State
- 2005 Memorandum of Understanding (MoU) in reference to the Exchange of Advance Passenger Information (API)
- 2012 Treaty concerning Visa and Immigration Information Sharing

Most immigration information sharing between the CBSA and the US is done on a case-by-case basis. Immigration, Refugees and Citizenship Canada (IRCC) has an automated, high-volume immigration information sharing service to screen visa and asylum applications.



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

Canada and the US have reciprocal access to their respective criminal databases for certain categories of records. Information on high-risk travelers and organized crime is shared on a case-by-case basis, when there is legal authority to do so and a clear nexus to the partner country. Information about removals is shared when a match is found to an individual previously encountered and removed from Canada as a result of a request from the US.

In an effort to maintain strong immigration and border programs, the CBSA continues to work and share immigration information with its two main partners: Immigration, Refugee and Citizenship Canada (IRCC), and the Royal Canadian Mounted Police (RCMP).

In January 2017, the Information Sharing Annex to the Umbrella MOU between the CBSA and the RCMP was signed.

In support of the ongoing information sharing activities, the CBSA and IRCC are also working on updating the existing information sharing Annex.

## Gosselin, Sylvie

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**Subject:** DG China Committee  
**Location:** 125 Sussex Drive, Ottawa, Room: B1-308  
  
**Start:** Thu 2017-02-09 2:30 PM  
**End:** Thu 2017-02-09 4:00 PM  
**Show Time As:** Tentative  
  
**Recurrence:** (none)  
  
**Organizer:** Sonia.Gosselin@international.gc.ca



## Gosselin, Sylvie

---

**Subject:** DG China Committee  
**Location:** 125 Sussex Drive, Ottawa, Room: B1-308  
  
**Start:** Thu 2017-02-09 2:30 PM  
**End:** Thu 2017-02-09 4:00 PM  
**Show Time As:** Tentative  
  
**Recurrence:** (none)  
  
**Organizer:** Sonia.Gosselin@international.gc.ca

## Gosselin, Sylvie

---

**Subject:** FW: Cannabis (Part 2)  
**Location:** PS CONF Ott-269Laurier-13D-4400 VC-20 CONF SP

**Start:** Wed 2017-02-08 4:00 PM  
**End:** Wed 2017-02-08 5:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Thompson, Kathy (PS/SP)







## Gosselin, Sylvie

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**Subject:** Nat'l Immigration Detention Framework (NIDF) Dashboard  
**Location:** Canada Boardroom (dial-in info below)

**Start:** Fri 2017-02-10 10:00 AM  
**End:** Fri 2017-02-10 11:00 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Ossowski, John  
**Required Attendees:** Namiesniowski, Tina; Hill, PeterD(CBSA); Lutfallah, Jennifer; Desmarais, Carl; Xavier, Caroline; Walker, Christine (HQ); Mackenzie, Joey; Mundie, Robert; O'Connor, Stephen; Cloutier, Jacques; Chenard, Charles; Easton, Erika-Kirsten; Keller, Diane; Lechasseur, Gino; Sultan, Jessica; Vragovic, Goran  
**Optional Attendees:** Bolduc, Martin; Boyd, Colin; Campbell, Leah

## Gosselin, Sylvie

---

**Subject:** FW: DG China Committee  
**Location:** B1-308

**Start:** Thu 2017-02-09 2:30 PM  
**End:** Thu 2017-02-09 4:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Gosselin, Sonia: DFAIT / MAECI





## Gosselin, Sylvie

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**From:** Byrne, Patrick  
**Sent:** March 16, 2017 2:58 PM  
**To:** Lutfallah, Jennifer  
**Subject:** DG APPROVAL -- FW: TASKING BF to DGO 2pm March 16 -- FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"  
**Attachments:** Detentions 101 for the Parliamentary Secretary March 21 2017v3.pptx

Jennifer,

**For approval** – attached deck to brief Public Safety's Parliamentary Secretary, Mark Holland, on March 21.

Thank you,

### Patrick Byrne

Acting Strategic Advisor, Programs Branch  
Canada Border Services Agency / Government of Canada  
[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca) / Tel: 613-952-9081

Conseillère stratégique intérimaire, Direction générale des programmes  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca) / Tél: 613-952-9081

---

**From:** Girouard, Aileen  
**Sent:** March 16, 2017 2:50 PM  
**To:** Byrne, Patrick <[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca)>  
**Cc:** Chaput, Allison <[Allison.Chaput@cbsa-asfc.gc.ca](mailto:Allison.Chaput@cbsa-asfc.gc.ca)>; Lutfallah, Jennifer <[Jennifer.Lutfallah@cbsa-asfc.gc.ca](mailto:Jennifer.Lutfallah@cbsa-asfc.gc.ca)>; Soper, Lesley L <[LesleyL.Soper@cbsa-asfc.gc.ca](mailto:LesleyL.Soper@cbsa-asfc.gc.ca)>; Henderson, Lana <[Lana.Henderson@cbsa-asfc.gc.ca](mailto:Lana.Henderson@cbsa-asfc.gc.ca)>; Helsdon, John <[John.Helsdon@cbsa-asfc.gc.ca](mailto:John.Helsdon@cbsa-asfc.gc.ca)>; Desmarais, Carl <[Carl.Desmarais@cbsa-asfc.gc.ca](mailto:Carl.Desmarais@cbsa-asfc.gc.ca)>  
**Subject:** RE: TASKING BF to DGO 2pm March 16 -- FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"

We noticed a text wrapped onto the bottom of slide 5 in the previously attached deck. This has been corrected in v3 (attached) – pls use this one.

Aileen

---

**From:** Helsdon, John  
**Sent:** March 16, 2017 2:43 PM  
**To:** Byrne, Patrick <[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca)>; Desmarais, Carl <[Carl.Desmarais@cbsa-asfc.gc.ca](mailto:Carl.Desmarais@cbsa-asfc.gc.ca)>  
**Cc:** Chaput, Allison <[Allison.Chaput@cbsa-asfc.gc.ca](mailto:Allison.Chaput@cbsa-asfc.gc.ca)>; Lutfallah, Jennifer <[Jennifer.Lutfallah@cbsa-asfc.gc.ca](mailto:Jennifer.Lutfallah@cbsa-asfc.gc.ca)>; Soper, Lesley L <[LesleyL.Soper@cbsa-asfc.gc.ca](mailto:LesleyL.Soper@cbsa-asfc.gc.ca)>; Henderson, Lana <[Lana.Henderson@cbsa-asfc.gc.ca](mailto:Lana.Henderson@cbsa-asfc.gc.ca)>; Girouard, Aileen <[Aileen.Girouard@cbsa-asfc.gc.ca](mailto:Aileen.Girouard@cbsa-asfc.gc.ca)>  
**Subject:** RE: TASKING BF to DGO 2pm March 16 -- FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"

The deck is attached

**From:** Byrne, Patrick  
**Sent:** March 15, 2017 2:57 PM  
**To:** Desmarais, Carl <Carl.Desmarais@cbsa-asfc.gc.ca>; Helsdon, John <John.Helsdon@cbsa-asfc.gc.ca>  
**Cc:** Chaput, Allison <Allison.Chaput@cbsa-asfc.gc.ca>; Lutfallah, Jennifer <Jennifer.Lutfallah@cbsa-asfc.gc.ca>; Soper, Lesley L <LesleyL.Soper@cbsa-asfc.gc.ca>; Henderson, Lana <Lana.Henderson@cbsa-asfc.gc.ca>  
**Subject:** RE: TASKING BF to DGO 2pm March 16 -- FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"

English please.

Mark Holland:



## **Mark Holland**

Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness

Mr. Holland was the Executive Director of the former Heart and Stroke Foundation of Canada's Ontario Mission and National Director of Children and Youth. A community advocate, Mr. Holland has lived in Ajax his entire life and served as its Member of Parliament from 2004 to 2011. His constituents re-elected him to the House of Commons in 2015.

As a Member of Parliament, Mr. Holland has been responsible for many high-profile portfolios. He was Critic for Natural Resources, and for Public Safety and National Security. In the latter role, he fiercely defended frontline police officers and victims of crime, and opposed cuts to crime prevention and victim support funding. Mr. Holland served as Parliamentary Secretary to the Minister of Democratic Institutions from December 2015 to January 2017.

From 1997 to 2004, Mr. Holland served as a Durham Region and City of Pickering Councillor as well as serving as Acting Mayor. During this time, Mr. Holland led the redevelopment of Pickering's waterfront, spearheaded the Youth Partnership Initiative to create jobs and opportunity for Durham's youth, and consistently advocated for environmental issues.

Mr. Holland lives in Ajax with his three children.

## **Patrick Byrne**

Acting Strategic Advisor, Programs Branch  
Canada Border Services Agency / Government of Canada  
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Conseillère stratégique intérimaire, Direction générale des programmes  
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**From:** Desmarais, Carl

**Sent:** March 15, 2017 2:55 PM

**To:** Byrne, Patrick <[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca)>; Helsdon, John <[John.Helsdon@cbsa-asfc.gc.ca](mailto:John.Helsdon@cbsa-asfc.gc.ca)>

**Cc:** Chaput, Allison <[Allison.Chaput@cbsa-asfc.gc.ca](mailto:Allison.Chaput@cbsa-asfc.gc.ca)>; Lutfallah, Jennifer <[Jennifer.Lutfallah@cbsa-asfc.gc.ca](mailto:Jennifer.Lutfallah@cbsa-asfc.gc.ca)>; Soper, Lesley L <[LesleyL.Soper@cbsa-asfc.gc.ca](mailto:LesleyL.Soper@cbsa-asfc.gc.ca)>; Henderson, Lana <[Lana.Henderson@cbsa-asfc.gc.ca](mailto:Lana.Henderson@cbsa-asfc.gc.ca)>

**Subject:** RE: TASKING BF to DGO 2pm March 16 -- FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"

Sorry, French or English. Should know who is our Parl sec, but don't. We'll update the deck presented to the Minister last March.

John: Please action. You'll be responsible to approve tomorrow as I am out of the office.

Carl

---

**From:** Byrne, Patrick

**Sent:** March 15, 2017 2:53 PM

**To:** Desmarais, Carl <[Carl.Desmarais@cbsa-asfc.gc.ca](mailto:Carl.Desmarais@cbsa-asfc.gc.ca)>

**Cc:** Chaput, Allison <[Allison.Chaput@cbsa-asfc.gc.ca](mailto:Allison.Chaput@cbsa-asfc.gc.ca)>; Lutfallah, Jennifer <[Jennifer.Lutfallah@cbsa-asfc.gc.ca](mailto:Jennifer.Lutfallah@cbsa-asfc.gc.ca)>; Soper, Lesley L <[LesleyL.Soper@cbsa-asfc.gc.ca](mailto:LesleyL.Soper@cbsa-asfc.gc.ca)>; Henderson, Lana <[Lana.Henderson@cbsa-asfc.gc.ca](mailto:Lana.Henderson@cbsa-asfc.gc.ca)>

**Subject:** TASKING BF to DGO 2pm March 16 -- FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"

**Importance:** High

Hi Carl,

The Minister's Office has scheduled an 'Immigration Detention 101' briefing for the Parliamentary Secretary for March 21<sup>st</sup>.

**Tasking:** please develop an 'Immigration Detention 101' deck with speaking notes. The briefing is scheduled for one hour, so please keep that in mind when preparing the deck.

**BF to DGO 2pm tomorrow, March 16 / BF to VPO 10am March 17.**

Thank you,

**Patrick Byrne**

Acting Strategic Advisor, Programs Branch

Canada Border Services Agency / Government of Canada

[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca) / Tel: 613-952-9081

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**From:** Blanchard, NathalieX

**Sent:** March 15, 2017 1:24 PM

**To:** Byrne, Patrick <[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca)>; Henderson, Lana <[Lana.Henderson@cbsa-asfc.gc.ca](mailto:Lana.Henderson@cbsa-asfc.gc.ca)>

**Cc:** Mousseau, Pauline <[pauline.mousseau@cbsa-asfc.gc.ca](mailto:pauline.mousseau@cbsa-asfc.gc.ca)>; Remy, Gaelle <[Gaelle.Remy@cbsa-asfc.gc.ca](mailto:Gaelle.Remy@cbsa-asfc.gc.ca)>; Fifield, William <[William.Fifield@cbsa-asfc.gc.ca](mailto:William.Fifield@cbsa-asfc.gc.ca)>; Carbonneau, Alex <[Alex.Carbonneau@cbsa-asfc.gc.ca](mailto:Alex.Carbonneau@cbsa-asfc.gc.ca)>; Patrice, France

<[France.Patrice@cbsa-asfc.gc.ca](mailto:France.Patrice@cbsa-asfc.gc.ca)>

**Subject:** FW: Briefing for the Parliamentary Secretary - Immigration Detention "101"

**Importance:** High

We will need the deck and speaking point by 10:00 Friday

The MO has just scheduled a briefing for the Parliamentary Secretary for an Immigration Detention "101".

The briefing is scheduled for March 21, from 11-12.

Nathalie Blanchard

Chef de Cabinet du VP, direction générale des programmes

Agence des services frontaliers du Canada

[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) /tél.: 613-954-7527

Chief of staff for VP, Programs Branch

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Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



# Immigration Detention 101

**Prepared for the Honourable  
Mark Holland, Parliamentary  
Secretary to the Minister of Public  
Safety and Emergency  
Preparedness**

**March 21, 2017**

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PROTECTION • SERVICE • INTEGRITY

Canada



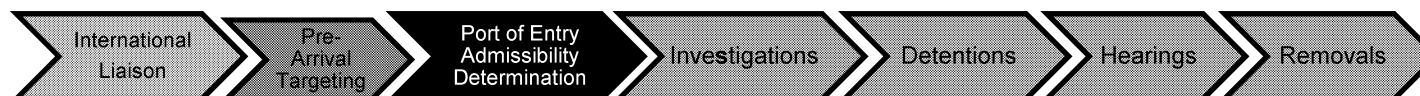
# Purpose

- To provide you with an overview of Canada's Immigration Detention Program and its future direction, outlined in the 2016 National Immigration Detention Framework (NIDF)



## Detentions Program Context

- The Canada Border Services Agency (CBSA) ensures Canada's security and prosperity by facilitating and overseeing international travel and trade across Canada's border.
- The Agency is responsible for administering Canada's immigration enforcement program, including the identification, arrest, detention and removal of foreign nationals and permanent residents who are found to be inadmissible to Canada under the *Immigration and Refugee Protection Act* (IRPA), to ensure the integrity of the immigration program, to protect the health and safety of Canadians and to maintain the security of Canadian society.
- The Detention Program is part of this broader Immigration Enforcement Program and supports the CBSA's strategic outcome to ensure that international trade and travel is facilitated across Canada's border, and Canada's population is protected from border-related risks.





## Grounds for Detention

- CBSA officers are authorized to detain a foreign national or permanent resident at a port of entry if:
  - it is necessary to complete an examination or
  - there are reasons to believe that the person is inadmissible on grounds of security, violating human or international rights, serious criminality, criminality or organized criminality
- CBSA officers can also detain a foreign national if:
  - they have reasonable grounds to believe the person is unlikely to appear for an immigration proceeding (e.g., examination, hearing, removal)
  - a danger to the public
  - unable to satisfy the officer of their identity or
  - they are designated as part of an irregular arrival by the Minister of Public Safety and Emergency Preparedness





# Overview

- On an average day, between 450-500 individuals are detained under IRPA. The average length of 23 detention days.
- In 2015-2016, the CBSA detained a total of 6,596 individuals, approximately 0.02% of the near 32 million non-citizens who entered Canada. Canada's rate of immigration detention is significantly lower than comparable countries, such as Australia and the United Kingdom (over 30,000 persons detained every year) and the United States (over 440,000 persons every year).
- Year over year, the number of detentions in Canada has gone down despite the increase in number of non-citizens entering Canada. Over the last five years, the number of detentions in Canada has dropped by 27%. In 2015-2016, the overall average length of detention fell slightly (nearly 6%) over the previous year, when the average length of detention peaked (24.5 days).
- Immigration detention is avoided for children or other vulnerable groups such as pregnant women, elderly persons, persons who are ill or disabled or persons with behavioural or mental health issues. However, where safety or security is an issue, immigration detention is considered for the shortest time possible and primarily focused on supporting the removal of those individuals.



# Drivers for Change

## Stakeholder Views

- **Red Cross** has highlighted in monitoring reports the need to reduce co-mingling and to improve detainee conditions in provincial jails
- **UNHCR** has set out an action plan for Canada to: end the detention of children; ensure alternatives to detention are available in law and in practice; and meet international standards (no comingling)
- **Canadian Council for Refugees** has lobbied the Prime Minister to deliver an accountable immigration enforcement system



## Immigration Holding Centres (IHCs)



### **Greater Toronto Area (GTA)**

Capacity: 195 beds

20% of national detention population

Facility Service Contract + Guard Service Contract

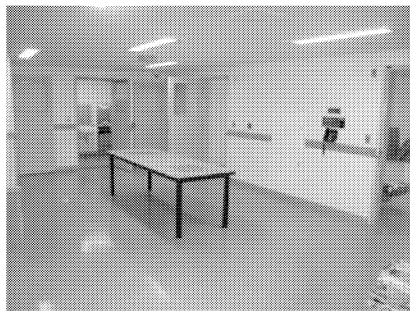


### **Laval**

Capacity: 144 beds

14% of national detention population

Leased Facility + Guard Service Contract



### **Vancouver**

Capacity: 24 beds (48 hours only)

1% of national detention population

Leased Facility at Airport (basement) + Guard Service Contract

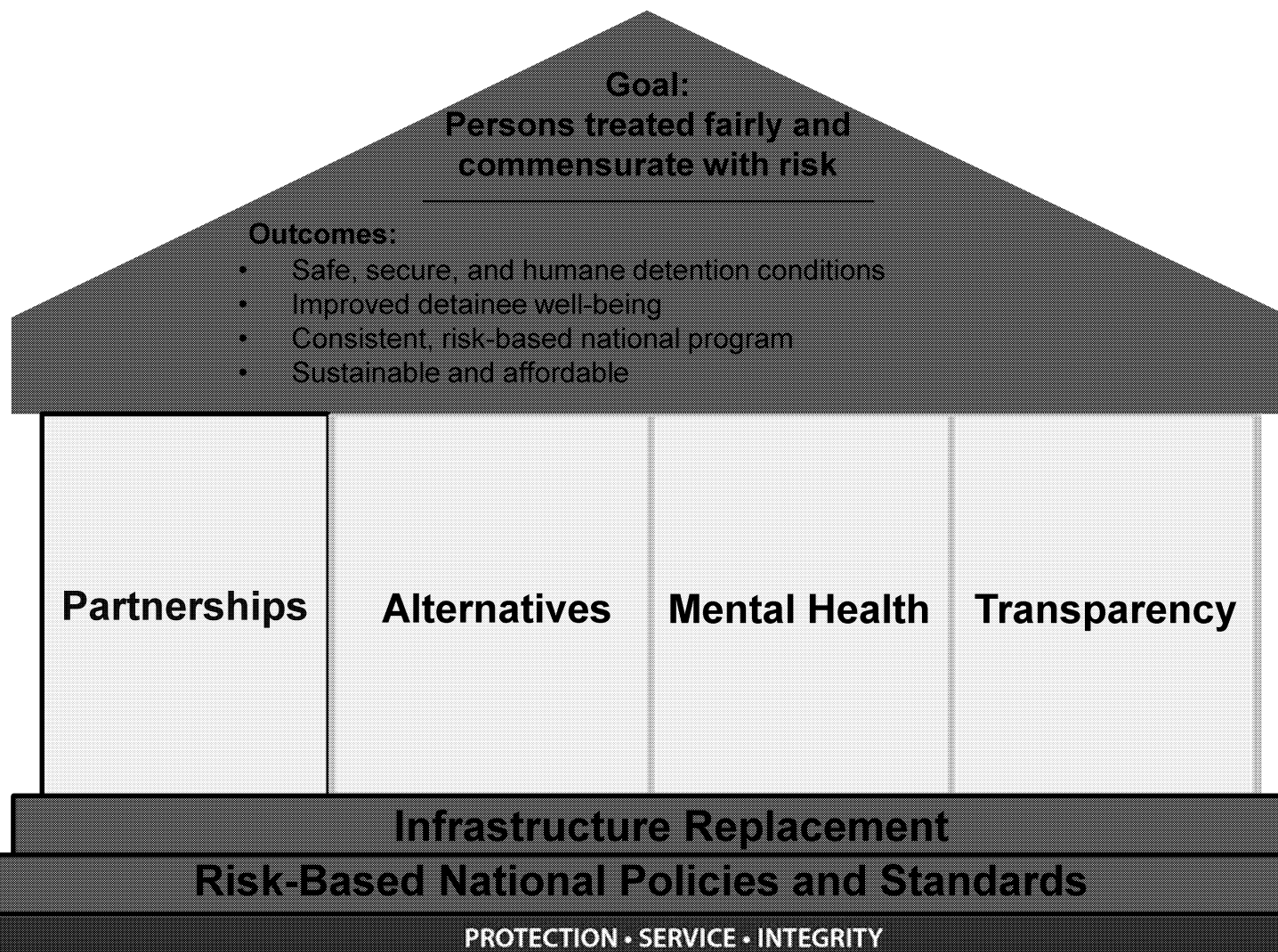


# National Immigration Detention Framework

- On August 15, 2016, the Government of Canada announced the National Immigration Detention Framework to create a better, fairer immigration detention system, making this a key priority and deliverable for the Agency.
- Up to \$138 million has been allocated to improve immigration detention infrastructure, provide better mental and medical health services at Immigration Holding Centres (IHCs), and expand partnerships and Alternatives to Detention (ATD) on a national scale:
  - **Infrastructure** - to address failing and inadequate IHCs in Quebec and British Columbia
  - **Detainee Health** - to enhance access to health/mental health services in IHCs
  - **ATD** - to launch a Voice Reporting program and expand the suite of Alternatives to detention, including community supervision
- It also includes ongoing review of detention policies to ensure a better, fairer immigration detention system that provides for the humane and dignified treatment of individuals while upholding public safety.



# National Immigration Detention Framework





## NIDF Continued

- **Infrastructure**
  - IHCs will be designed to align with international standards and best practices. This allows Canada to meet its obligations to detainees and stakeholder expectations, therefore, alleviate significant operational pressure points
  - Further, installation and maintenance of videoconferencing capability (where appropriate) for Immigration and Refugee Board hearings will minimize detainee transport
- **Minors in Detention**
  - Guidelines are being drafted with the aim of minimizing the detention of minors as much as humanly possible
- **Health Care Services**
  - Increased funding to the Interim Federal Health Program will improve the access to on-site medical and mental health support services within IHCs, such as 24/7 nursing, and improved access to physicians, psychologists and psychiatrists. These improvements in detainee care will help to mitigate the risk of in-custody incidents



## NIDF Continued

- **Expanded Suite of ATD (include Voice Reporting)** aims to achieve national consistency, efficiency through improved risk management, and effective use of release options. Operationally ATDs :
  - 
  - Expand the ability to identify, monitor and track released individuals
  - Increase the proportion of eligible individuals released on ATDs
  - Reduce use of the CBSA's and provincial holding facilities
- **Tools and Training**
  - Issue revised *National Detention Standards*, and guidelines on the *Detention of Minors*, *Mental Health & Medical Services* within IHCs, and *Long-Term Detention*
  - Training for officers & contract guards on suicide / self-harm prevention and implement national training model
  - Improved operational standards for the national detention program will better align with key international detention standards, including UNHCR guidelines on detention, and national requirements, and improve consistency and transparency



## Transparency and Partnerships

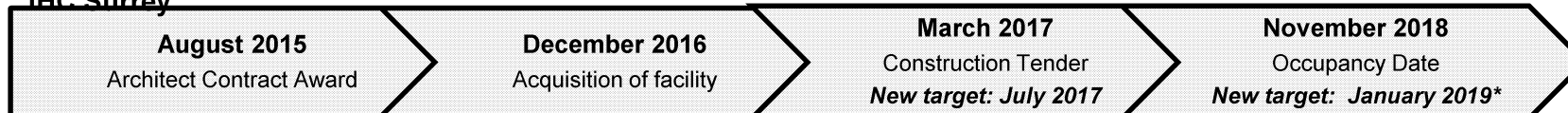
- In keeping with the Government of Canada's commitment to transparency and openness, the CBSA began publishing immigration detention statistics on its website on November 1, 2016.
- New partnerships will be forged and existing relationships strengthened with service delivery agents and stakeholders, such as the Canadian Red Cross, the United Nations High Commissioner for Refugees, the Canadian Council for Refugees, mental health organizations, immigration representatives, the academic sector and relevant provincial ministries,
- The CBSA conducted external consultations/round-tables with key stakeholders across Canada,
  - Starting in September 2016 in Vancouver, followed by Montreal, Toronto, Edmonton, Regina, Winnipeg, and concluding Ottawa in December 2016.
  - Approximately 50 stakeholder groups participated or provided input in writing.
  - The summary report of the roundtables will be posted on the Consulting with Canadians website in spring 2017.
- NIDF sessions were delivered to regional CBSA staff from January to mid-March 2017
  - The consultations were extremely worthwhile with well over 200 participants across the country. A summary report of the internal consultations will also be available in the near future.





# Annex A: Deliverables and Milestones

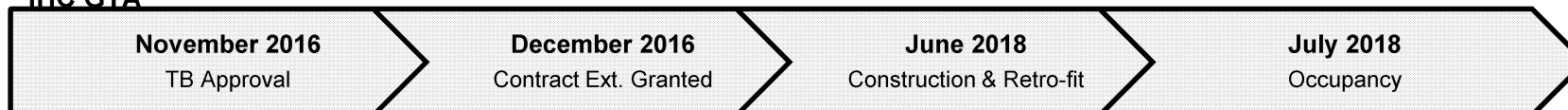
## IHC Surrey



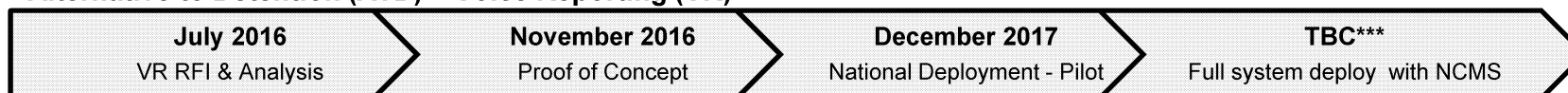
## IHC Laval



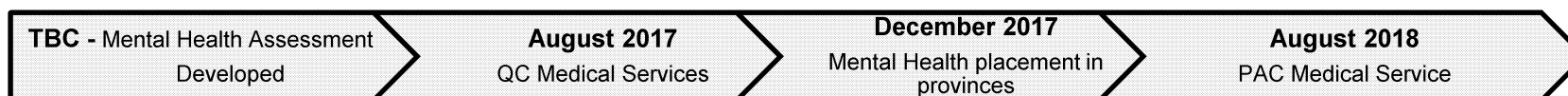
## IHC GTA



## Alternative to Detention (ATD) – Voice Reporting (VR)



## Detainee Care Services - Health



### Top Risks:

- \* Work on Surrey IHC is being accelerated to keep in line with original occupancy date.
- \*\* Laval IHC – Delayed PSPC negotiations result in delays to Laval IHC occupancy date – being actively mitigated.
- \*\*\* Ongoing viability of the Voice Reporting solution can only be done following national deployment in Dec. 2017